

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25142 of 2020

DECIDED ON: 5th JANUARY, 2021

Harinder Pal Singh

....PETITIONER

VERSUS

State of Haryana and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. K.S. Dhanora, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The petitioner is seeking anticipatory bail in FIR No. 666 dated 26.8.2019 under Section 174-A IPC registered at police station Civil Lines, Karnal District Karnal.

On 31.8.2020, following order was passed:

"All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

CRM no.21270 of 2020

The application is allowed. Filing of certified/true typed copies of Annexures P-1 to P-3 is exempted, subject to all just exceptions.

CRM-M-25142 of 2020

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.666, dated 26.8.2019, having been registered at Police Station Karnal Civil Lines, alleging therein the

commission of an offence punishable under Section 174-A of the IPC.

Learned counsel for the petitioner submits that the said FIR actually arises from proceedings instituted by respondent no.2 under Section 138 of the Negotiable Instruments Act, 1881, and that the petitioner is willing to pay the entire amount of the cheque that was dishonoured, i.e. Rs.45,000/-, plus an additional amount at this stage.

That being so, without making any comment on the actual merits of the case, let notice of motion be issued.

Mr.Praveen Bhadu, learned AAG, Haryana, accepts notice at the asking of the court on behalf of respondent no.1.

Respondent no.2 be served by normal process.

Though of course in proceedings under Section 174-A of the IPC, the complainant would have nothing much to say as it is a matter between the court and the accused; however, since those proceedings have arisen out of a complaint filed by respondent no.2, and the petitioner is willing to pay the cheque amount to respondent no.2, it is considered necessary that respondent no.2 be also served of the notice issued.

The notice to be so issued would be returnable on 2.11.2020.

In the meanwhile, upon the petitioner surrendering before the trial court/CJM/Duty Magistrate concerned, he would be admitted to interim bail to the satisfaction of that court, till the next date of hearing before this court, upon him further furnishing to that court a cheque for an amount of Rs.50,000/-, in the name of respondent no.2."

Learned counsel for the petitioner submits that cheque of Rs.50,000/- was deposited and the same has been encashed. He further submits that the petitioner had surrendered before the trial Court and furnished bail bonds.

Learned State counsel on instructions from Head Constable Naresh Kumar submits that though the cheque has been deposited and honoured but the petitioner never joined investigation.

Learned counsel for the petitioner submits that there was a confusion that the petitioner had only to deposit the cheque thus he failed to join investigation, he is ready to join investigation.

Considering the facts that the cheque of the disputed amount has already been deposited, the interim order dated 31.8.2020 is made absolute, subject to the petitioner's joining investigation within one week from today. It is made clear that in case the petitioner fails to join investigation within the stipulated time, the State is at liberty to file an application for recalling of this order.

Disposed of.

5th JANUARY, 2021
reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>